UNITED STATES PATENT AND TRADEMARK OFFICE

m N

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,350	08/22/2003	John Overton	11958-60	8364

7590	06/21/2007

Joseph F. Hetz
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
PULLIAM, CHRISTYANN R

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
06/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/646,350	OVERTON ET AL.
	Examiner	Art Unit	
	Christyann Pulliam	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>August 22, 2003 thru May 29, 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 August 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/16/2004 and 5/29/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-14 are pending as filed August 22, 2003.

2.   Two Information Disclosure Statements were filed September 16, 2004 and May

29, 2007.

Priority

3.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e)

or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has claimed priority

as a continuation to co-pending U.S. parent application, Serial No. 10/102179, now

abandoned. The parent application claims priority as a continuation to a U.S.

application, Serial No. 09/111,896, filed July 8, 1998.

Drawings

4.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because the drawings contain improper shading and handwritten text. See

37 CFR 1.84 for drawing requirements. Applicant is advised to employ the services of a

competent patent draftsperson outside the Office, as the U.S. Patent and Trademark

Office no longer prepares new drawings. The corrected drawings are required in reply to

the Office action to avoid abandonment of the application. The requirement for

corrected drawings will not be held in abeyance.

Specification

5.   The Abstract is too long. Applicant is reminded of the proper language and

format for an abstract of the disclosure. The abstract should be in narrative form and

generally limited to a single paragraph on a separate sheet within the range of 50 to 150

words. It is important that the abstract not exceed 150 words in length since the space

provided for the abstract on the computer tape used by the printer is limited. The form

and legal phraseology often used in patent claims, such as "means" and "said," should

be avoided. The abstract should describe the disclosure sufficiently to assist readers in

deciding whether there is a need for consulting the full patent text for details.

Claim Objections

6.   Claim 13 is objected to because of the following informalities: awkward grammar

– "the records creating is creating records". Appropriate correction is required.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

8.   Claims 1, 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The body of the claim does not fulfill the

preamble. The preamble refers to "global indices", which are not mentioned in the body

of the claim at all.

9.   Claim 1 and 13 recites the limitation "the data generating equipment" in the

"registering" step. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Experton, U.S. Patent No. 5,995,965 (hereinafter Experton) and in view of Cahill et al.,

U.S. Patent No. 5,940,844 (hereinafter Cahill).

As for Claim 1, <u>Experton</u> teaches:

A method for establishing and retrieving data based on global indices (See e.g. <u>Experton</u> - col. 7, lines 36-51); a plurality of data generating devices on the network (See e.g. col. 4, lines 10-25 and col. 10, lines 3-7) and retrieving data generated by the plurality of data generating devices by searching for instances of the unique user ID (See e.g. <u>Experton</u> – col. 9, lines 10-46 and col. 10, lines 3-52).

<u>Experton</u> does not expressly teach establishing, registering a device ID and establishing a user ID when the user first uses a data generating device. However, <u>Cahill</u> teaches:

establishing a unique device ID for each ... data generating devices on a network (See e.g. <u>Cahill</u> – col. 48, lines 12-18);

registering the unique device ID of each ... data generating devices on the network on at least one server connected to the network when the data generating equipment is first used on the network (See e.g. <u>Cahill</u> – col. 48, lines 12-18);

establishing a unique user ID for each user of the data generating devices when the user uses one ... data generating devices for the first time (See e.g. <u>Cahill</u> – col. 48, lines 19/21).

<u>Experton</u> and <u>Cahill</u> are from the analogous art of document retrieval. It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of <u>Experton</u> and <u>Cahill</u> to have combined <u>Experton</u> and <u>Cahill</u>. The motivation to combine <u>Experton</u> and <u>Cahill</u> comes from the desire to provide central

database access to files over a network. Cahill enhances Experton by providing the

details of ID creation.

As for Claim 2, Experton as modified by Cahill teaches the parent Claim 1.

Experton also teaches wherein establishing the unique user ID further comprises

combining the device ID of the data generating device being used by the user with a

date/time stamp of the first use by the user (See e.g. col. 6, lines 3-18). Cahill also

allows the system administrator to monitor time of user logins as well as workstation

information (See e.g. Cahill – Figure 6).

As for Claim 3, Experton as modified teaches the parent claims. Experton also

teaches further comprising storing the unique user ID on a token given to the user (See

e.g. Experton col. 4, lines 40-50 and col. 5, lines 15-25).

As for Claim 4, Experton as modified teaches the parent claims. Experton also

teaches further comprising the user using the token with the unique user ID for all

subsequent uses of any of the plurality of data generating devices (See e.g. Experton

col. 4, lines 40-50 and col. 5, lines 15-25).

As for Claim 5, Experton as modified teaches the parent claims. Experton also

teaches wherein the data generated is medical data concerning the user (See e.g.

Experton – col. 4, lines 40-50 and col. 5, lines 15-25).

As for Claim 6, Experton as modified teaches the parent claims. Experton also teaches wherein the data generated is commercial data (See e.g. Experton - col. 3, lines 32-60).

As for Claim 7, Experton teaches:

A system for establishing and retrieving data based on global indices (See e.g. Experton - col. 7, lines 36-51); a network (See e.g. Experton – Figure 1 and col. 1, lines 5-10); a plurality of servers connected to the network for storing data and responding to search requests (See e.g. Experton- Figure 1 and col. 5, line 50- col. 6, line 19); a plurality of data generating devices connected to the servers (See e.g. col. 4, lines 10-25 and col. 10, lines 3-7) and search logic for searching for instances of the unique user ID on any of the plurality of servers (See e.g. Experton – col. 9, lines 10-46 and col. 10, lines 3-52).

Experton does not expressly teach establishing, registering a device ID and establishing a user ID when the user first uses a data generating device. However, Cahill teaches:

wherein each data generating device has a unique ID that is registered with at least one server when the data generating device is first used of the network (See e.g. Cahill – col. 48, lines 12-18);

unique user ID generator associated with each data generating device whereby a

unique user ID is established by combining the unique device ID with a date time stamp

of when the user first used any of the plurality of data generating devices on the network

(See e.g. Cahill – col. 48, lines 19-21 and Figure 6).

The motivation to combine Experton and Cahill is stated above in Claim 1.

As for Claim 8, Experton as modified teaches the parent Claim 7. Experton also

teaches wherein the data generating devices are medical data generating devices (See

e.g. Experton – col. 4, lines 40-50 and col. 5, lines 15-25).

As for Claim 9, Experton as modified teaches the parent Claim 7. Experton also

teaches further comprising tokens generated by each of the plurality of data generating

devices on which is stored each unique user ID (See e.g. Experton col. 4, lines 40-50

and col. 5, lines 15-25).

As for Claim 10, Experton as modified teaches the parent Claim 7. Experton also

teaches wherein the data generated is commercial data (See e.g. Experton - col. 3,

lines 32-60).

As for Claim 11, Experton as modified teaches the parent Claims 7 and 9.

Experton also teaches wherein each of the plurality of data generating devices further

comprises a token reader for reading the unique user ID stored on the token of a user

(See e.g. Experton col. 4, lines 40-50 and col. 5, lines 15-25).

As for Claim 12, Experton as modified teaches parent Claim 7. Cahill also

teaches further comprising data transport logic for transporting data generated from one

data generating device to another once the location of the data has been determined by

the search logic identifying instances of the unique user ID on any of the plurality of

servers (See e.g. Cahill - col. 50, lines 25-61).

As for Claim 13, Experton teaches:

establishing and retrieving data based on global indices (See e.g. Experton - col.

7, lines 36-51), a plurality of data generating devices on the network (See e.g. Experton-

col. 4, lines 8-25 and col. 10, lines 3-7) and retrieving data generated by the plurality of

data generating devices by searching for instances of the unique record ID (See e.g.

Experton – col. 9, lines 10-46 and col. 10, lines 3-52).

Experton does not expressly teach establishing, registering a device ID and

establishing a record ID when the record is created. However, Cahill teaches:

establishing a unique device ID for each ... data generating devices on a network

(See e.g. Cahill – col. 48, lines 12-18);

registering the unique device ID of each ... data generating devices on the

network on at least one server connected to the network when the data generating

equipment is first used on the network (See e.g. Cahill – col. 48, lines 12-18);

establishing a unique record ID for each record of the data generating devices

when the record is created using one …data generating devices for the first time (See

e.g. Cahill – col. 49, lines 8-27 and col. 51, lines 21-50).

The motivation to combine Experton and Cahill is stated above in Claim 1.

As for Claim 14, Experton as modified teaches the parent Claim 13. Experton

also teaches wherein the records creating is creating records of parts of an assembly

(See e.g. Experton- col. 6, lines 39-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christyann Pulliam whose telephone number is 571-

270-1007. The examiner can normally be reached on M-F 9 am-6 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRFP

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100